

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

VERNON NEAL

PETITIONER

v.

NO. 1:05CV199-M-D

JOHNNY CROCKETT, ET AL.

RESPONDENTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated November 1, 2005, and the November 9, 2005, objections to the Report and Recommendation, the court finds that the petitioner's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated November 1, 2005, is hereby approved and adopted as the opinion of the court.
2. That the state's September 26, 2005, motion to dismiss is hereby **GRANTED**.
3. That the instant petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 is hereby **DISMISSED** with prejudice and without evidentiary hearing as untimely filed under 28 U.S.C. § 2244(d).
4. That this case is **CLOSED**.

THIS, the 21st day of November, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE